

CAUSE NO. 2018-CI-23979

MICHELLE DOTSON, BRIGITTE	§	IN THE DISTRICT COURT
LOTT AND REGINOLD STEPHENS	§	
INDIVIDUALLY, RONALD DOTSON,	§	
INDIVIDUALLY AND AS	§	
REPRESENTATIVE OF THE ESTATE	§	
OF JANICE DOTSON-STEPHENS,	§	
DECEASED	§	
<i>Plaintiffs</i>	§	
v.	§	408 TH JUDICIAL DISTRICT
	§	
BEXAR COUNTY, BEXAR COUNTY	§	
HOSPITAL DISTRICT DBA	§	
UNIVERSITY HEALTH SYSTEM,	§	
BEXAR COUNTY PRE-TRIAL	§	
SERVICES, UNKNOWN, UNNAMED	§	
OFFICERS/EMPLOYEES OF THE	§	
BEXAR COUNTY SHERIFF'S OFFICE,	§	
UNKNOWN, UNNAMED OFFICERS/	§	
EMPLOYEES OF THE BEXAR	§	
COUNTY HOSPITAL DISTRICT DBA	§	
UNIVERSITY HEALTH SYSTEM,	§	
UNKNOWN, UNNAMED OFFICERS/	§	
EMPLOYEES OF THE BEXAR	§	
COUNTY PRE-TRIAL SERVICES	§	
<i>Defendants</i>	§	OF BEXAR COUNTY, TEXAS

INDEX OF STATE COURT PLEADINGS

<u>EXHIBIT</u>	<u>DESCRIPTION</u>	<u>DATE</u>
A	Plaintiffs' Original Petition	December 21, 2018
B	Civil Case Information Sheet	December 21, 2018
*	Affidavit of Inability to Pay Costs ¹	December 21, 2018
N/A	Service Assigned to Clerk 2	December 26, 2018
C	Request for Service and Process	December 26, 2018
D	Citation Issued to Bexar County	December 26, 2018

¹ As stated in the Notice of Removal, this document is being filed separately as an exhibit to a motion requesting permission to file under seal.

D-1	Return of Service (service on January 7, 2019)	January 8, 2019
E	Citation Issued to Bexar County Hospital Dist.	December 26, 2018
E-1	Return of Service (service on January 7, 2019)	January 8, 2019
F	Citation Issued to Bexar County Pretrial Svcs.	December 26, 2018
F-1	Return of Service (service on January 7, 2019)	January 8, 2019
G	First Amended Petition	January 15, 2019
N/A	Service Assigned to Clerk 3	January 17, 2019
H	Request for Service and Process	January 17, 2019
I	Citation Issued to Sheriff Javier Salazar	January 17, 2019
	<i>The state court docket detail indicates that service on Sheriff Salazar occurred on January 22, 2019 and a return of service was filed on January 28, 2019, but a copy of the return was not available at the time of the filing of this removal.</i>	
J	Citation Issued to Michael Kohlleppel	January 17, 2019
K	Citation Issued to The City of San Antonio	January 17, 2019
	<i>The state court docket detail indicates that service on The City of San Antonio occurred on January 22, 2019 and a return of service was filed on January 28, 2019, but a copy of the return was not available at the time of the filing of this removal.</i>	
L	Citation Issued to Mike Lozito	January 17, 2019
	<i>The state court docket detail indicates that service on Mike Lozito occurred on January 25, 2019 and a return of service was filed on January 28, 2019, but a copy of the return was not available at the time of the filing of this removal.</i>	
M	Original Answer of Bexar Co. Hospital Dist.	January 24, 2019
N	Original Answer of Bexar County	January 29, 2019
O	Original Answer of Bexar County Pretrial Svcs.	January 29, 2019

P	Motion for Default Judgment	January 29, 2019
Q	State Court Docket Detail	January 30, 2019

NO. **2018CI23979**

**MICHELLE DOTSON, BRIDGETTE
LOTT AND REGINOLD STEPHENS
INDIVIDUALLY, RONALD DOTSON,
INDIVIDUALLY AND AS
REPRESENTATIVE OF THE ESTATE
OF JANICE DOTSON-STEPHENS,
DECEASED,
Plaintiffs,**

V.

**BEXAR COUNTY, BEXAR COUNTY
HOSPITAL DISTRICT DBA
UNIVERSITY HEALTH SYSTEM,
BEXAR COUNTY PRE-TRIAL
SERVICES, UNKNOWN, UNNAMED
OFFICERS/EMPLOYEES OF THE
BEXAR COUNTY SHERIFF'S OFFICE,
UNKNOWN, UNNAMED OFFICERS/
EMPLOYEES OF THE BEXAR
COUNTY HOSPITAL DISTRICT DBA
UNIVERSITY HEALTH SYSTEM,
UNKNOWN, UNNAMED OFFICERS/
EMPLOYEES OF THE BEXAR
COUNTY PRE-TRIAL SERVICES
Defendants.**

§ IN THE DISTRICT COURT

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408TH

JUDICIAL DISTRICT

§ OF BEXAR COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Michelle Dotson, Bridgette Lott, REGINOLD STEPHENS Individually, Ronald Dotson Individually and as the Representative for the Estate of Janice Dotson-Stephens hereinafter called Plaintiffs, complaining of and about Bexar County, Bexar County Hospital District dba University Health System, Bexar County Pre-Trial Services, Unknown, Unnamed Officers/Employees Of The Bexar County Sheriff's Office, Unknown, Unnamed Officers/Employees Of The Bexar County Hospital District dba University Health System, Unknown,

Unnamed Officers/ Employees Of The Bexar County Pre-Trial Services hereinafter called Defendants, and for cause of action shows unto the Court the following:

DISCOVERY CONTROL PLAN LEVEL

1. Plaintiff intends that discovery be conducted under Discovery Level 2.

PARTIES AND SERVICE

2. Plaintiff, Ronald Dotson, is an Individual and is resident of Guadalupe County, Texas brings this suit on behalf of himself and as the Representative of the Estate of Janice Dotson-Stephens, deceased, his mother who was also a resident of Bexar County Texas

3. Plaintiff, Michelle Dotson, is an Individual and a resident of the State of Texas

4. Plaintiff, Bridgette Lott, is an Individual and is a resident of the State of Texas

5. Plaintiff, REGINOLD STEPHENS, is an Individual and is a resident of the State of Texas

6. As used herein, "Plaintiff" shall include not only named Plaintiff, but also persons whose claims are being represented by a Plaintiff.

7. Defendant Bexar County, may be served with process by serving Nelson Wolff as County of Bexar County, at 101 W. Nueva, 10th floor, San Antonio, Texas 78205. Service of said Defendant as described above can be effected by personal delivery.

8. Defendant Bexar County Hospital District, may be served with process by serving Dr. Dianna M. Burns-Banks (secretary of the board), at 1954 E. Houston, San Antonio, Texas 78202. Service of said Defendant as described above can be effected by personal delivery.

9. Defendant Bexar County Pre-Trial Service, may be served with process by serving Leticia Moreno – Pre-Trial manger at 207 North Comal #200 San Antonio, Texas 78207
Service of said Defendant as described above can be effected by personal delivery.

JURISDICTION AND VENUE

10. The subject matter in controversy is within the jurisdictional limits of this court.
11. This court has jurisdiction over the parties because Defendants are Texas residents.
12. Venue in Bexar County is proper in this cause under Section 15.002(a)(1) of the Texas Civil Practice and Remedies Code because all or a substantial part of the events or omissions giving rise to this lawsuit occurred in this county.

FACTS

13. On or about July 17, 2018, Janice Dotson-Stephens was processed and jailed for an allegation of criminal trespass
14. On or about July 17, 2018, and at all times relevant through December 14, 2018, personnel at the Bear County Jail were required to keep Janice Dotson-Stephens safe and free from physical injury, harm, or death.
15. On or about July 17, 2018, and at all times relevant through December 14, 2018, personnel at the Bexar County Jail were required to keep Janice Dotson-Stephens safe and free from psychological injury or harm.
16. On or about July 17, 2018, and at all times relevant through December 14, 2018, personnel at the Bexar County Jail were required to screen and evaluate Janice Dotson-Stephens on an ongoing basis a .
17. On or about July 17, 2018 and at all times relevant through December 14, 2018, Bexar county was required to train its jail personnel on the method and means of evaluating persons placed in custody to keep them safe from physical or psychological injury, harm, or death.
18. On or about July 17, 2018 , and at all times relevant through December 14, 2018, personnel at Bexar county Jail were required to screen and evaluate the mental status of persons

placed in custody.

19. On or about July 17, 2018, and at all times relevant through December 14, 2018 Bexar County was made aware of the Mental Health condition of Janice Dotson-Stephens.

20. On or about July 17, 2018 and all times relevant through December 14, 2018 Bexar county personnel failed to appropriately respond to the mental health needs of Janice Dotson-Stephens.

21. On or about December 14, 2018, Janice Dotson-Stephens died while she was confined in the Bexar County Jail awaiting a psychological evaluation that was ordered by Judge Carruthres on August 27, 2018.

CLAIMS

22. As a direct and proximate result of the foregoing, defendants deprived Janice Dotson-Stephens of her rights and privileges as a citizen of the United States, and defendants caused Janice Dotson-Stephens to suffer injury and death, of which caused the general damages requested by Plaintiff in an amount in excess of the applicable jurisdictional amount, to be proven at trial.

23. In the events alleged above, Defendants acted contrary to law, and intentionally and unreasonably deprived Janice Dotson-Stephens of her, privileges, and immunities secured by the U.S. Constitution and 42 U.S.C. § 1983 in a willful and wanton fashion and they were deliberately indifferent

24. On or about July 17, 2018 and all times relevant through December 14, 2018, Bexar county violated safeguards put in place by S.B. No. 1849 (Sandra Bland act).

25. The claims and causes of action for injuries to health, reputation, and person sustained by Janice Dotson-Stephens are brought in this action pursuant to the Survival Act, Texas Civil Practice and Remedies Code section 71.021.

26. The claims and causes of action for wrongful death of Janice Dotson-Stephens are brought by her husband and children, pursuant to Texas Civil Practice and Remedies Code sections 71.002

27. Plaintiffs allege claims of wrongful death and injuries sustained by Janice Dotson-Stephens and Negligence per-se for violation of S.B. No 1849 (Sandra Bland Act)

INDEX OF CAUSES OF ACTION

COUNT I. – Bexar County – 42 U.S.C. § 1983

COUNT II. – Bexar County – Vicarious Liability for unknown employees Willful and Wanton Conduct – Survival

COUNT III. – Bexar County - Vicarious Liability for unknown employees Willful and Wanton Conduct – Wrongful Death

COUNT IV. – Bexar County – Institutional Liability - Survival

COUNT V. – Bexar County – Institutional Liability – Wrongful Death

COUNT VI. – Bexar County Hospital District – 42 U.S.C. § 1983

COUNT VII. – Bexar County Hospital District – Vicarious Liability for unknown employees Willful and Wanton Conduct – Survival

COUNT VIII. – Bexar County Hospital District - Vicarious Liability for unknown employees Willful and Wanton Conduct – Wrongful Death

COUNT IX. – Bexar County Hospital District – Institutional Liability - Survival

COUNT X. – Bexar County Hospital District – Institutional Liability – Wrongful Death

COUNT XI. – Bexar County Pre-Trial Services – 42 U.S.C. § 1983

COUNT XII. – Bexar County Pre-Trial Services – Vicarious Liability for unknown employees Willful and Wanton Conduct – Survival

**COUNT XIII. – Bexar County Pre-Trial Services - Vicarious Liability for unknown employees
Willful and Wanton Conduct – Wrongful Death**

COUNT XIV. – Bexar County Pre-Trial Services – Institutional Liability - Survival

COUNT XV. – Bexar County Pre-Trial Services – Institutional Liability – Wrongful Death

DAMAGES FOR PLAINTIFFS

28. Defendants are liable for the wrongs complained herein, either by virtue of direct participation or by virtue of encouraging, aiding, abetting, committing, and or ratifying and condoning the commission of the above described acts and/or omissions.

29. Plaintiff and Plaintiff Decedent suffered compensatory, special and punitive damages for the following:

- a. Extreme mental anguish and emotional distress as a result of being held in custody without proper treatment.
- b. Violation of Plaintiff's civil rights by Defendants
- c. Punitive damages for egregious acts and omissions of Defendants

30. Plaintiff is entitled to attorney's fees for litigation of this matter

31. Plaintiff requests and is entitled to a trial by jury.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff, Ronald Dotson, individually, Ronald Dotson, as of Janice Dotson-Stephens, Michelle Dotson, Bridgette Lott and REGINOLD STEPHENS, respectfully pray that the Defendants be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiff against Defendants, jointly and severally, for damages in an amount within the jurisdictional limits of the Court; together with pre-judgment interest at the maximum rate allowed by law; post-judgment interest at the legal rate,

costs of court; and such other and further relief to which the Plaintiff may be entitled at law or in equity.

Respectfully submitted,

By: //s// Leslie Sachanowicz
Leslie Sachanowicz
Texas Bar No. 17503200
Email: les.law@hotmail.com
Tel. (210) 883-8565

Mary Pietrazek
Texas Bar No. 24102358
Email: pzklaw@gmail.com

702 Donaldson Avenue, Suite 206
San Antonio, Texas 78201
Tel. (210) 951-9795
Fax. (210) 855-2045
Attorney for Plaintiffs

PLAINTIFFS HEREBY DEMAND TRIAL BY JURY

12/21/2018 3:27 PM
 Donna Kay McKinney
 Bexar County District Clerk
 Accepted By: Maria Abilez

CIVIL CASE INFORMATION SHEET **2018CI23979**

Print

CAUSE NUMBER (FOR CLERK USE ONLY):

COURT (FOR CLERK USE ONLY):

STYLED

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

1. Contact information for person completing case information sheet: Name: <u>LES SACHANDWICZ</u> Address: <u>702 DAWGDOVE AVE, STE 206</u> City/State/Zip: <u>SAW ANN TX 76201</u> Signature: <u>[Signature]</u> Email: <u>les.law@hotmail.com</u> Telephone: <u>210 951 9795</u> Fax: <u>210 855 2045</u> State Bar No: <u>17503200</u>		Names of parties in case: Plaintiff(s)/Petitioner(s): <u>RONALD DUTSON</u> <u>MICHELL DUTSON</u> Defendant(s)/Respondent(s): <u>BEXAR COUNTY</u> <u>BEXAR COUNTY HOSPITAL DIST</u> <u>BEXAR COUNTY PRE-TRIAL SERVICE</u> <small>(Attach additional page as necessary to list all parties)</small>		Person or entity completing sheet is: <input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____ Additional Parties in Child Support Case: Custodial Parent: _____ Non-Custodial Parent: _____ Presumed Father: _____	
2. Indicate case type, or identify the most important issue in the case (select only 1):					
Civil			Family Law		
Contract <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: Foreclosure <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract:	Injury or Damage <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation <input type="checkbox"/> Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises <input type="checkbox"/> Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability <input type="checkbox"/> List Product: <input checked="" type="checkbox"/> Other Injury or Damage:	Real Property <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: Related to Criminal Matters <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other:	Marriage Relationship <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void Divorce <input type="checkbox"/> With Children <input type="checkbox"/> No Children Other Family Law <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other:	Post-judgment Actions (non-Title IV-D) <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other Title IV-D <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocity (UIFSA) <input type="checkbox"/> Support Order Parent-Child Relationship <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Parentage/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child:	
Employment <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment:	Other Civil <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetrate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other:				
Tax <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax	Probate & Mental Health Probate/Wills/Intestate Administration <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other:				
3. Indicate procedure or remedy, if applicable (may select more than 1):					
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment		<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover	
4. Indicate damages sought (do not select if it is a family law case): <input type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input type="checkbox"/> Over \$100,000 but not more than \$200,000 <input type="checkbox"/> Over \$200,000 but not more than \$1,000,000 <input type="checkbox"/> Over \$1,000,000					

2018C123979 -P00005

Cause Number: 2018C123979District Court: 408thDonna Kay McKinney
Bexar County District Clerk

FEE PAID

2

Request for Process

Style: RONALD DOTSON ET AL Vs. BEXAR COUNTY ET AL

Request the following process: (Please check all that Apply)

- ☒ Citation ☐ Notice ☐ Temporary Restraining Order ☐ Notice of Application for Protective Order
☐ Temporary Protective Order ☐ Precept with hearing ☐ Precept without a hearing ☐ Writ of Attachment
☐ Writ of Habeas Corpus ☐ Writ of Garnishment ☐ Writ of Sequestration ☐ Capias ☐ Other:

1. Name: BEXAR COUNTYRegistered Agent/By Serving: NELSON WOLFFAddress 101 W. NUEVA, 10th FLOOR, SAN ANTONIO, TEXAS 78205Service Type: (Check One) ☒ Private Process ☐ Sheriff ☐ Commissioner of Insurance ☐ SA Express News ☐ Hart Bear ☐ Courthouse Door
☐ Certified Mail ☐ Registered Mail ☐ Out of County ☐ Secretary of State ☐ Constable Pet

(Pct. 3 serves process countywide)

2. Name: BEXAR COUNTY HOSPITAL DISTRICTRegistered Agent/By Serving: DR. DIANNA M. BURNS-BANKSAddress 1954 E. HOUSTON, SAN ANTONIO, TEXAS 78202Service Type: (Check One) ☒ Private Process ☐ Sheriff ☐ Commissioner of Insurance ☐ SA Express News ☐ Hart Bear ☐ Courthouse Door
☐ Certified Mail ☐ Registered Mail ☐ Out of County ☐ Secretary of State ☐ Constable Pet

(Pct. 3 serves process countywide)

3. Name: BEXAR COUNTY PRE-TRIAL SERVICESRegistered Agent/By Serving: LETICIA MORENOAddress 207 NORTH COMAL ST 200, SAN ANTONIO, TX 78207Service Type: (Check One) ☒ Private Process ☐ Sheriff ☐ Commissioner of Insurance ☐ SA Express News ☐ Hart Bear ☐ Courthouse Door
☐ Certified Mail ☐ Registered Mail ☐ Out of County ☐ Secretary of State ☐ Constable Pet

(Pct. 3 serves process countywide)

4. Name: _____

Registered Agent/By Serving: _____

Address _____

Service Type: (Check One) ☐ Private Process ☐ Sheriff ☐ Commissioner of Insurance ☐ SA Express News ☐ Hart Bear ☐ Courthouse Door
☐ Certified Mail ☐ Registered Mail ☐ Out of County ☐ Secretary of State ☐ Constable Pet

(Pct. 3 serves process countywide)

Title of Document/Pleading to be Attached to Process: PLAINTIFF'S ORIGINAL PETITIONName of Attorney/Pro se: LESLIE SALHANDWIK Bar Number: 17503200Address: 702 DOWNSON AVE, STE 206 Phone Number: 210 883 8565
SAN ANTONIO, TEXAS 78201Attorney for Plaintiff ☒ Defendant ☐ Other ☐

*****IF SERVICE IS NOT PICKED UP, WITHIN 14 BUSINESS DAYS, SERVICE WILL BE DESTROYED*****

PRIVATE PROCESS

Case Number: 2018-CI-23979



2018CI23979 S00001

MICHELLE DOTSON ET AL

VS.

BEXAR COUNTY ET AL

(Note: Attached Document May Contain Additional Litigants.)

 IN THE DISTRICT COURT
 408th JUDICIAL DISTRICT
 BEXAR COUNTY, TEXAS

CITATION

"THE STATE OF TEXAS"

 Directed To: BEXAR COUNTY
 BY SERVIN NELSON WOLFF

MARY PIETRZAK

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this CITATION and ORIGINAL PETITION, a default judgment may be taken against you." Said ORIGINAL PETITION was filed on the 21st day of December, 2018.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 26TH DAY OF DECEMBER A.D., 2018.

 LESLIE J SACHANOWICZ
 ATTORNEY FOR PLAINTIFF
 702 DONALDSON AVE 206
 SAN ANTONIO, TX 78201-4851

 Donna Kay McKinney
 Bexar County District Clerk
 101 W. Nueva, Suite 217
 San Antonio, Texas 78205

By: Jacqueline Flores, Deputy

 MICHELLE DOTSON ET AL
 VS
 BEXAR COUNTY ET AL

Officer's Return

 Case Number: 2018-CI-23979
 Court: 408th Judicial District Court

I received this CITATION on _____ at _____ o'clock _____ M. and () executed it by delivering a copy of the CITATION with attached ORIGINAL PETITION the date of delivery endorsed on it to the defendant, _____ in person on the _____ at _____ o'clock _____ M. at: _____ or () not executed because _____

Fees: _____ Badge/PPS #: _____ Date certification expires: _____

_____, County, Texas

By: _____

OR: VERIFICATION OF RETURN (If not served by a peace officer) SHOWN TO THIS _____

NOTARY PUBLIC, STATE OF TEXAS

OR: My name is _____, my date of birth is _____, and my address is _____, _____ County.

I declare under penalty of perjury that the foregoing is true and correct. Executed in _____ County, State of Texas, on the _____ day of _____, 20____.

Declarant _____

DOCUMENT SCANNED AS FILED

FILE COPY Exhibit D

PRIVATE PROCESS

Case Number: 2018-CI-23979



2018CI23979 S00001

MICHELLE DOTSON ET AL

VS.

BEXAR COUNTY ET AL

(Note: Attached Document May Contain Additional Litigants.)

IN THE DISTRICT COURT
408th JUDICIAL DISTRICT
BEXAR COUNTY, TEXAS

CITATION

"THE STATE OF TEXAS"

Directed To: BEXAR COUNTY
BY SERVIN NELSON WOLFF

CRT

 FILED
DISTRICT CLERK
BEXAR CO. TEXAS
2019 JAN - 8 A 11:58
DEPUTY
BY: *David D. Flores*

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this CITATION and ORIGINAL PETITION, a default judgment may be taken against you." Said ORIGINAL PETITION was filed on the 21st day of December, 2018.

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 LESLIE J SACHANOWICZ
ATTORNEY FOR PLAINTIFF
702 DONALDSON AVE 206
SAN ANTONIO, TX 78201-4851

 Donna Kay McKinney
Bexar County District Clerk
101 W. Nueva, Suite 217
San Antonio, Texas 78205

By: Jacqueline Flores, Deputy

 MICHELLE DOTSON ET AL
VS
BEXAR COUNTY ET AL

Officer's Return

 Case Number: 2018-CI-23979
Court: 408th Judicial District Court

I received this CITATION on 7 Jan 2019 at 9 o'clock A M. and X executed it by delivering a copy of the CITATION with attached ORIGINAL PETITION the date of delivery endorsed on it to the defendant, Nelson Wolff received by Nicole Erbuth at 101 W Nueva 10th fl or () not executed because Signature on back

Fees: \$75.00 PSC Badge/PPS #: 15500 Date certification expires: 11/30/2020
By: Bexar County, Texas
Jose Pacheco

OR: VERIFICATION OF RETURN (If not served by a peace officer) SWORN TO THIS

NOTARY PUBLIC, STATE OF TEXAS

OR: My name is _____, my date of birth is _____, and my address is _____, _____ County.

I declare under penalty of perjury that the foregoing is true and correct. Executed in _____ County, State of Texas, on the _____ day of _____, 20____.

Declarant

DOCUMENT SCANNED AS FILED

RETURN TO: 101 W. Nueva, Suite 217, San Antonio, TX 78205 (2)

Nicole Erfurth

Nicole Erfurth

Correspondence Assistant to County Judge

210-335-3019

PRIVATE PROCESS

Case Number: 2018-CI-23979



2018CI23979 500002

MICHELLE DOTSON ET AL

VS.

BEXAR COUNTY ET AL

(Note: Attached Document May Contain Additional Litigants.)

IN THE DISTRICT COURT
408th JUDICIAL DISTRICT
BEXAR COUNTY, TEXAS

CITATION

"THE STATE OF TEXAS"

Directed To: BEXAR COUNTY HOSPITAL DISTRICT
BY SERVING DR. DIANA M. BURNS-BANKS

MR. PIENIAZEK

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this CITATION and ORIGINAL PETITION, a default judgment may be taken against you." Said ORIGINAL PETITION was filed on the 21st day of December, 2018.

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LESLIE J SACHANOWICZ
ATTORNEY FOR PLAINTIFF
702 DONALDSON AVE 206
SAN ANTONIO, TX 78201-4851



Donna Kay McKinney
Bexar County District Clerk
101 W. Nueva, Suite 217
San Antonio, Texas 78205

By: Jacqueline Flores, Deputy

MICHELLE DOTSON ET AL
VS
BEXAR COUNTY ET AL

Officer's Return

Case Number: 2018-CI-23979
Court: 408th Judicial District Court

I received this CITATION on _____ at _____ o'clock _____ M. and () executed it by delivering a copy of the CITATION with attached ORIGINAL PETITION the date of delivery endorsed on it to the defendant, _____, in person on the _____ at _____ o'clock _____ M. at: _____ or () not executed because _____.

Fees: _____ Badge/PPS #: _____ Date certification expires: _____

_____ County, Texas

By: _____

OR: VERIFICATION OF RETURN (If not served by a peace officer) SWORN TO THIS _____

NOTARY PUBLIC, STATE OF TEXAS

OR: My name is _____, my date of birth is _____, and my address is _____ County.

I declare under penalty of perjury that the foregoing is true and correct. Executed in _____ County, State of Texas, on the _____ day of _____, 20_____.

Declarant _____

DOCUMENT SCANNED AS FILED

FILE COPY **Exhibit E**

PRIVATE PROCESS

Case Number: 2018-CI-23979



2018CI23979 500002

MICHELLE DOTSON ET AL

VS.

BEXAR COUNTY ET AL

(Note: Attached Document May Contain Additional Litigants.)

IN THE DISTRICT COURT
408th JUDICIAL DISTRICT
BEXAR COUNTY, TEXAS

CITATION

"THE STATE OF TEXAS"

Directed To: BEXAR COUNTY HOSPITAL DISTRICT
BY SERVING DR. DIANA M. BURNS-BANKSBY: *Donna Kay McKinney*

DEPUTY

2019 JAN - 8 A 11:58

FILED
DISTRICT CLERK
BEXAR CO. TEXAS

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this CITATION and ORIGINAL PETITION, a default judgment may be taken against you." Said ORIGINAL PETITION was filed on the 21st day of December, 2018.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 26TH DAY OF DECEMBER A.D., 2018.

LESLIE J SACHANOWICZ
ATTORNEY FOR PLAINTIFF
702 DONALDSON AVE 206
SAN ANTONIO, TX 78201-4851



Donna Kay McKinney
Bexar County District Clerk
101 W. Nueva, Suite 217
San Antonio, Texas 78205

By: *Jacqueline Flores*, Deputy

MICHELLE DOTSON ET AL
VS
BEXAR COUNTY ET AL

Officer's Return

Case Number: 2018-CI-23979
Court: 408th Judicial District Court

I received this CITATION on 01/07/2019 at 8 o'clock A.M. and ☒ executed it by delivering a copy of the CITATION with attached ORIGINAL PETITION the date of delivery endorsed on it to the defendant, Diana Burns-Banks, in-person on the 01/07/2019 at San Antonio 19/2:20 clock P.M. at: 4502 medical Dr or () not executed because Signature on Buck
SA, TX 78227

Fees: \$75.00 Badge/PPS #: PSC 15500 Date certification expires: 11/30/2020

By: JOE PETHAZEK BEXAR County, Texas

OR: VERIFICATION OF RETURN (If not served by a peace officer) SWORN TO THIS

NOTARY PUBLIC, STATE OF TEXAS

OR: My name is _____, my date of birth is _____, and my address is _____ County.

I declare under penalty of perjury that the foregoing is true and correct. Executed in _____ County, State of Texas, on the _____ day of _____, 20____.

Declarant

DOCUMENT SCANNED AS FILED

RETURN TO COURT (BK002)
Exhibit E-1

Serina Rivela

Interim VP / CLO

Summitt

GP

PRIVATE PROCESS

Case Number: 2018-CI-23979



2018CI23979 588883

MICHELLE DOTSON ET AL

VS.

BEXAR COUNTY ET AL

(Note: Attached Document May Contain Additional Litigants.)

 IN THE DISTRICT COURT
 408th JUDICIAL DISTRICT
 BEXAR COUNTY, TEXAS

CITATION

"THE STATE OF TEXAS"

 Directed To: BEXAR COUNTY PRE-TRIAL SERVICES
 BY SERVING LETICIA MORENO- PRE-TRIAL MANAGER

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this CITATION and ORIGINAL PETITION, a default judgment may be taken against you." Said ORIGINAL PETITION was filed on the 21st day of December, 2018.

MARY PIERAZEK

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 26TH DAY OF DECEMBER A.D., 2018.

 LESLIE J SACHANOWICZ
 ATTORNEY FOR PLAINTIFF
 702 DONALDSON AVE 206
 SAN ANTONIO, TX 78201-4851

 Donna Kay McKinney
 Bexar County District Clerk
 101 W. Nueva, Suite 217
 San Antonio, Texas 78205
By: *Jacqueline Flores*, Deputy
 MICHELLE DOTSON ET AL
 VS
 BEXAR COUNTY ET AL

Officer's Return

 Case Number: 2018-CI-23979
 Court: 408th Judicial District Court

I received this CITATION on _____ at _____ o'clock ____ M. and () executed it by delivering a copy of the CITATION with attached ORIGINAL PETITION the date of delivery endorsed on it to the defendant, _____ in person on the _____ at _____ o'clock ____ M. at: _____ or () not executed because _____

Fees: _____ Badge/PPS #: _____ Date certification expires: _____

_____, County, Texas

By: _____

OR: VERIFICATION OF RETURN (If not served by a peace officer) SWORN TO THIS _____

NOTARY PUBLIC, STATE OF TEXAS

OR: My name is _____, my date of birth is _____, and my address is _____, _____ County.

I declare under penalty of perjury that the foregoing is true and correct. Executed in _____ County, State of Texas, on the _____ day of _____, 20____.

Declarant _____

DOCUMENT SCANNED AS FILED

FILE COPY **Exhibit F**

PRIVATE PROCESS

Case Number: 2018-CI-23979



2018CI23979 500003

MICHELLE DOTSON ET AL

VS.

BEXAR COUNTY ET AL

(Note: Attached Document May Contain Additional Litigants.)

CRT

IN THE DISTRICT COURT
408th JUDICIAL DISTRICT
BEXAR COUNTY, TEXAS

CITATION

"THE STATE OF TEXAS"

Directed To: BEXAR COUNTY PRE-TRIAL SERVICES
BY SERVING LETICIA MORENO- PRE-TRIAL MANAGER
 FILED
DISTRICT CLERK
BEXAR CO. TEXAS
2019 JAN - 8 A 11: 58
DEPUTY
BY: *Carol Dineen*

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this CITATION and ORIGINAL PETITION, a default judgment may be taken against you." Said ORIGINAL PETITION was filed on the 21st day of December, 2018.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 26TH DAY OF DECEMBER A.D., 2018.

 LESLIE J SACHANOWICZ
ATTORNEY FOR PLAINTIFF
702 DONALDSON AVE 206
SAN ANTONIO, TX 78201-4851

 Donna Kay McKinney
Bexar County District Clerk
101 W. Nueva, Suite 217
San Antonio, Texas 78205

By: Jacqueline Flores, Deputy

 MICHELLE DOTSON ET AL
VS
BEXAR COUNTY ET AL

Officer's Return

 Case Number: 2018-CI-23979
Court: 408th Judicial District Court

I received this CITATION on 7 Jan 19 at 8 o'clock AM, and ☒ executed it by delivering a copy of the CITATION with attached ORIGINAL PETITION the date of delivery endorsed on it to the defendant, Leticia Moreno ^{in person} in person on the 7 Jan 19 at 1:22 o'clock PM at 202 N Comal SA, TX or () not executed because 78201 signature on back

Fees: \$75.00 Badge/PPS #: PSC 15500 Date certification expires: 11/30/2020
By: Bexar County, Texas
Joe Stetzneger

OR: VERIFICATION OF RETURN (If not served by a peace officer) SWORN TO THIS

NOTARY PUBLIC, STATE OF TEXAS

OR: My name is _____, my date of birth is _____, and my address is _____ County.

I declare under penalty of perjury that the foregoing is true and correct. Executed in _____ County, State of Texas, on the _____ day of _____, 20____.

Declarant

DOCUMENT SCANNED AS FILED

RETURN TO COURT (FD-42)

NO. 2018CI23979

**MICHELLE DOTSON, BRIDGETTE
LOTT AND REGINOLD STEPHENS
INDIVIDUALLY, RONALD DOTSON,
INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF
JANICE DOTSON-STEPHENS, DECEASED,**

Plaintiffs,

V.

**BEXAR COUNTY, BEXAR COUNTY
HOSPITAL DISTRICT DBA UNIVERSITY HEALTH SYSTEM, BEXAR COUNTY PRE-TRIAL SERVICES,
UNKNOWN, UNNAMED OFFICERS/EMPLOYEES OF THE BEXAR COUNTY SHERIFF'S OFFICE, UNKNOWN, UNNAMED OFFICERS/EMPLOYEES OF THE BEXAR COUNTY HOSPITAL DISTRICT DBA UNIVERSITY HEALTH SYSTEM, UNKNOWN, UNNAMED OFFICERS/EMPLOYEES OF THE BEXAR COUNTY PRE-TRIAL SERVICES
SHERIFF JAVIER SALAZAR, OFFICIALLY AND INDIVIDUALLY, BEXAR COUNTY PRETRIAL SERVICES DIRECTOR MIKE LOZITO OFFICIALLY AND INDIVIDUALLY, SAPD OFFICER MICHAEL KOHLEPPLE OFFICIALLY AND INDIVIDUALLY, THE CITY OF SAN ANTONIO**

Defendants.

§ IN THE DISTRICT COURT
§
§ 408th JUDICIAL DISTRICT
§
§ OF BEXAR COUNTY, TEXAS

§

§

§

§

§

§

§

§

PLAINTIFF'S FIRST AMENDED PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Michelle Dotson, Bridgette Lott, REGINOLD STEPHENS Individually, Ronald Dotson Individually and as the Representative for the Estate of Janice Dotson-Stephens hereinafter called Plaintiffs, complaining of and about Bexar County, Bexar County Hospital District dba University Health System, Bexar County Pre-Trial Services, Unknown, Unnamed Officers/Employees Of The Bexar County Sheriff's Office, Unknown, Unnamed Officers/ Employees Of The Bexar County Hospital District dba University Health System, Unknown, Unnamed Officers/ Employees Of The Bexar County Pre-Trial Services, Sheriff Javier Salazar, Pretrial Service Director Mike Lozito, City of San Antonio, and SAPD Officer Michael Kohlleppel, hereinafter called Defendants, and for cause of action shows unto the Court the following:

DISCOVERY CONTROL PLAN LEVEL

1. Plaintiff intends that discovery be conducted under Discovery Level 2.

PARTIES AND SERVICE

2. Plaintiff, Ronald Dotson, is an Individual and is resident of Guadalupe County, Texas brings this suit on behalf of himself and as the Representative of the Estate of Janice Dotson-Stephens, deceased, his mother who was also a resident of Bexar County Texas

3. Plaintiff, Michelle Dotson, is an Individual and a resident of the State of Texas
4. Plaintiff, Bridgette Lott, is an Individual and is a resident of the State of Texas
5. Plaintiff, REGINOLD STEPHENS, is an Individual and is a resident of the State of Texas

as

6. As used herein, "Plaintiff" shall include not only named Plaintiff, but also persons whose claims are being represented by a Plaintiff.

7. Defendant Bexar County, may be served with process by serving Nelson Wolff as County Judge of Bexar County, at 101 W. Nueva, 10th floor, San Antonio, Texas 78205. Service of said Defendant as described above can be effected by personal delivery.

8. Defendant Bexar County Hospital District, may be served with process by serving Dr. Dianna M. Burns-Banks (secretary of the board), at 1954 E. Houston, San Antonio, Texas 78202. Service of said Defendant as described above can be effected by personal delivery.

9. Defendant Bexar County Pre-Trial Service, may be served with process by serving Leticia Moreno – Pre-Trial manger at 207 North Comal #200 San Antonio, Texas 78207
Service of said Defendant as described above can be effected by personal delivery.

10. Defendant Sheriff Javier Salazar is named officially and individually and may be served officially and individually with process at 200 N Comal, San Antonio, Texas 78207

11. Defendant Pretrial Services Director Mike Lozito is named officially and individually and may be served with process by serving Leticia Moreno – Pre-Trial manger at 207 North Comal #200 San Antonio, Texas 78207

12. Defendant SAPD Officer Michael Kohlleppe is named officially and individually and may be served with process at 315 South Santa Rosa, San Antonio, Texas 78207
Service of said Defendant as described above can be effected by personal delivery.

13. The City of San Antonio may be served with process by serving Leticia Vacek- City Clerk at 114 W. Commerce, San Antonio, Texas 78205

JURISDICTION AND VENUE

14. The subject matter in controversy is within the jurisdictional limits of this court.

15. This court has jurisdiction over the parties because Defendants are Texas residents.

16. Venue in Bexar County is proper in this cause under Section 15.002(a)(1) of the Texas Civil Practice and Remedies Code because all or a substantial part of the events or omissions giving rise to this lawsuit occurred in this county.

FACTS

17. On or about July 17, 2018, Janice Dotson-Stephens was processed and jailed for an allegation of criminal trespass

18. On or about July 17, 2018, and at all times relevant through December 14, 2018, personnel at the Bear County Jail were required to keep Janice Dotson-Stephens safe and free from physical injury, harm, or death.

19. On or about July 17, 2018, and at all times relevant through December 14, 2018, personnel at the Bexar County Jail were required to keep Janice Dotson-Stephens safe and free from psychological injury or harm.

20. On or about July 17, 2018, and at all times relevant through December 14, 2018, personnel at the Bexar County Jail were required to screen and evaluate Janice Dotson-Stephens on an ongoing basis a .

21. On or about July 17, 2018 and at all times relevant through December 14, 2018, Bexar county was required to train its jail personnel on the method and means of evaluating persons placed in custody to keep them safe from physical or psychological injury, harm, or death.

22. On or about July 17, 2018 , and at all times relevant through December 14, 2018, personnel at Bexar county Jail were required to screen and evaluate the mental status of persons placed in custody.

23. On or about July 17, 2018, and at all times relevant through December 14, 2018 Bexar County was made aware of the Mental Health condition of Janice Dotson-Stephens.

24. On or about July 17, 2018 and all times relevant through December 14, 2018 Bexar county

personnel failed to appropriately respond to the mental health needs of Janice Dotson-Stephens.

25. On or about December 14, 2018, Janice Dotson-Stephens died while she was confined in the Bexar County Jail awaiting a psychological evaluation that was ordered by Judge Carruthres on August 27, 2018.

CLAIMS

26. As a direct and proximate result of the foregoing, defendants deprived Janice Dotson-Stephens of her rights and privileges as a citizen of the United States, and defendants caused Janice Dotson-Stephens to suffer injury and death, of which caused the general damages requested by Plaintiff in an amount in excess of the applicable jurisdictional amount, to be proven at trial.

27. In the events alleged above, Defendants acted contrary to law, and intentionally and unreasonably deprived Janice Dotson-Stephens of her, privileges, and immunities secured by the U.S. Constitution and 42 U.S.C. § 1983 in a willful and wanton fashion and they were deliberately indifferent

28. On or about July 17, 2018 and all times relevant through December 14, 2018, Bexar county violated safeguards put in place by S.B. No. 1849 (Sandra Bland act).

29. The claims and causes of action for injuries to health, reputation, and person sustained by Janice Dotson-Stephens are brought in this action pursuant to the Survival Act, Texas Civil Practice and Remedies Code section 71.021.

30. The claims and causes of action for wrongful death of Janice Dotson-Stephens are brought by her husband and children, pursuant to Texas Civil Practice and Remedies Code sections 71.002

31. Plaintiffs allege claims of wrongful death and injuries sustained by Janice Dotson-Stephens and Negligence per-se for violation of S.B. No 1849 (Sandra Bland Act)

INDEX OF CAUSES OF ACTION

COUNT I. – Bexar County – 42 U.S.C. § 1983

COUNT II. – Bexar County – Vicarious Liability for unknown employees Willful and Wanton Conduct – Survival

COUNT III. – Bexar County - Vicarious Liability for unknown employees Willful and Wanton Conduct – Wrongful Death

COUNT IV. – Bexar County – Institutional Liability - Survival

COUNT V. – Bexar County – Institutional Liability – Wrongful Death

COUNT VI. – Bexar County Hospital District – 42 U.S.C. § 1983

COUNT VII. – Bexar County Hospital District – Vicarious Liability for unknown employees Willful and Wanton Conduct – Survival

COUNT VIII. – Bexar County Hospital District - Vicarious Liability for unknown employees Willful and Wanton Conduct – Wrongful Death

COUNT IX. – Bexar County Hospital District – Institutional Liability - Survival

COUNT X. – Bexar County Hospital District – Institutional Liability – Wrongful Death

COUNT XI. – Bexar County Pre-Trial Services – 42 U.S.C. § 1983

COUNT XII. – Bexar County Pre-Trial Services – Vicarious Liability for unknown employees Willful and Wanton Conduct – Survival

COUNT XIII. – Bexar County Pre-Trial Services - Vicarious Liability for unknown employees Willful and Wanton Conduct – Wrongful Death

COUNT XIV. – Bexar County Pre-Trial Services – Institutional Liability - Survival

COUNT XV. – Bexar County Pre-Trial Services – Institutional Liability – Wrongful Death

COUNT XVI.- Sheriff Javier Salazar- 42 U.S.C. § 1983

COUNT XVII.- Sheriff Javier Salazar- Assault and Battery

COUNT XVIII.- Sheriff Javier Salazar- Vicarious Liability - Willful and Wanton Conduct – Survival

COUNT XIX- Sheriff Javier Salazar- Vicarious Liability - Willful and Wanton Conduct –Wrongful

Death

COUNT XX- Bexar County Sheriff's Office- Vicarious Liability for unknown employees Willful and Wanton Conduct – Survival

COUNT XXI- Bexar County Sheriff's Office- Vicarious Liability for unknown employees Willful and Wanton Conduct – Wrongful Death

COUNT XXII.- Pretrial Services Director Mike Lozito- 42 U.S.C. § 1983

COUNT XXIII.- Pretrial Services Director Mike Lozito- Assault and Battery

COUNT XXIV.- Pretrial Services Director Mike Lozito- Vicarious Liability - Willful and Wanton Conduct – Survival

COUNT XXV- Pretrial Services Director Mike Lozito- Vicarious Liability - Willful and Wanton Conduct –Wrongful Death

COUNT XXVI.- SAPD Officer Michael Kohlleppe- 42 U.S.C. § 1983

COUNT XXVII.- SAPD Officer Michael Kohlleppe- Assault and Battery

COUNT XXVIII.- SAPD Officer Michael Kohlleppe- Vicarious Liability - Willful and Wanton Conduct – Survival

COUNT XXIX- SAPD Officer Michael Kohlleppe- Vicarious Liability - Willful and Wanton Conduct –Wrongful Death

COUNT XXX – City of San Antonio – 42 U.S.C. § 1983

COUNT XXXI –City of San Antonio– Vicarious Liability for unknown employees Willful and Wanton Conduct – Survival

COUNT XXII –City of San Antonio- Vicarious Liability for unknown employees Willful and Wanton Conduct – Wrongful Death

COUNT XXIII – City of San Antonio Institutional Liability - Survival

COUNT XXXIV – City of San Antonio Institutional Liability – Wrongful Death

DAMAGES FOR PLAINTIFFS

28. Defendants are liable for the wrongs complained herein, either by virtue of direct participation or by virtue of encouraging, aiding, abetting, committing, and or ratifying and condoning the commission of the above described acts and/or omissions.

29. Plaintiff and Plaintiff Decedent suffered compensatory, special and punitive damages for the following:

- a. Extreme mental anguish and emotional distress as a result of being held in custody without proper treatment.
- b. Violation of Plaintiff's civil rights by Defendants
- c. Punitive damages for egregious acts and omissions of Defendants

30. Plaintiff is entitled to attorney's fees for litigation of this matter

31. Plaintiff requests and is entitled to a trial by jury.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff, Ronald Dotson, individually, Ronald Dotson, as of Janice Dotson-Stephens, Michelle Dotson, Bridgette Lott and REGINOLD STEPHENS, respectfully pray that the Defendants be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiff against Defendants, jointly and severally, for damages in an amount within the jurisdictional limits of the Court; together with pre-judgment interest at the maximum rate allowed by law; post-judgment interest at the legal rate, costs of court; and such other and further relief to which the Plaintiff may be entitled at law or in equity.

Respectfully submitted,

By: //s// Leslie Sachanowicz
Leslie Sachanowicz
Texas Bar No. 17503200
Email: les.law@hotmail.com
Tel. (210) 883-8565

Mary Pietrazek
Texas Bar No. 24102358
Email: pzklaw@gmail.com

702 Donaldson Avenue, Suite 206
San Antonio, Texas 78201
Tel. (210) 951-9795
Fax. (210) 855-2045
Attorney for Plaintiffs

PLAINTIFFS HEREBY DEMAND TRIAL BY JURY

Cause Number: 2018CI23979District Court: 408 DC

4 Cits PPS

\$32
1/17/19
P.R.Mary Angie Garcia
Bexar County District Clerk

FEE P.P.

3

Request for ProcessStyle: Michelle Dotson Et. Al vs. Bexar County Et. Al

Request the following process: (Please check all that Apply)

☒ Citation ☐ Notice ☐ Temporary Restraining Order ☐ Notice of Application for Protective Order
☐ Temporary Protective Order ☐ Precept with hearing ☐ Precept without a hearing ☐ Writ of Attachment
☐ Writ of Habeas Corpus ☐ Writ of Garnishment ☐ Writ of Sequestration ☐ Capias ☐ Other

 1. Name: Sheriff Javier Salazar
 Registered Agent/By Serving: Sheriff Javier Salazar
 Address: 200 N. Comal, San Antonio, TX 78207

 Service Type: (Check One) ☒ Private Process ☐ Sheriff ☐ Commissioner of Insurance ☐ SA Express News ☐ Hart Beat ☐ Courthouse Door
☐ Certified Mail ☐ Registered Mail ☐ Out of County ☐ Secretary of State ☐ Constable Per

(Pet. 3 serves process countywide)

 2. Name: Officer Michael Kohlleppe
 Registered Agent/By Serving: Officer Michael Kohlleppe
 Address: 315 South Santa Rosa, San Antonio, TX 78207

 Service Type: (Check One) ☒ Private Process ☐ Sheriff ☐ Commissioner of Insurance ☐ SA Express News ☐ Hart Beat ☐ Courthouse Door
☐ Certified Mail ☐ Registered Mail ☐ Out of County ☐ Secretary of State ☐ Constable Per

(Pet. 3 serves process countywide)

 3. Name: City of San Antonio
 Registered Agent/By Serving: City Clerk Leticia Vasek
 Address: 114 W. Commerce, San Antonio, TX 78205

 Service Type: (Check One) ☒ Private Process ☐ Sheriff ☐ Commissioner of Insurance ☐ SA Express News ☐ Hart Beat ☐ Courthouse Door
☐ Certified Mail ☐ Registered Mail ☐ Out of County ☐ Secretary of State ☐ Constable Per

(Pet. 3 serves process countywide)

 4. Name: Mike Lozito
 Registered Agent/By Serving: Leticia Moreno
 Address: 207 N. Comal #200, San Antonio TX 78207

 Service Type: (Check One) ☒ Private Process ☐ Sheriff ☐ Commissioner of Insurance ☐ SA Express News ☐ Hart Beat ☐ Courthouse Door
☐ Certified Mail ☐ Registered Mail ☐ Out of County ☐ Secretary of State ☐ Constable Per

(Pet. 3 serves process countywide)

Title of Document/Pleading to be Attached to Process: First Amended Petition
 Name of Attorney/Pro se: Leslie Suchanowicz Bar Number: 17503200
 Address: 702 Donaldson Ave Phone Number: 210-883-8565
San Antonio, TX 78201
Attorney for Plaintiff ☒ Defendant ☐ Other ☐

IF SERVICE IS NOT PICKED UP WITHIN 14 BUSINESS DAYS, SERVICE WILL BE DESTROYED

PRIVATE PROCESS

Case Number: 2018-CI-23979



2818CI23979 500004

MICHELLE DOTSON ET AL

VS.

BEXAR COUNTY ET AL

(Note: Attached Document May Contain Additional Litigants.)

IN THE DISTRICT COURT
408th JUDICIAL DISTRICT
BEXAR COUNTY, TEXAS

CITATION

"THE STATE OF TEXAS"

Directed To: SHERIFF JAVIER SALAZAR

Mary Garcia 19 JAN 2019



"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this CITATION and FIRST AMENDED PETITION, a default judgment may be taken against you." Said FIRST AMENDED PETITION was filed on the 15th day of January, 2019.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 17TH DAY OF JANUARY A.D., 2019.

LESLIE J SACHANOWICZ
ATTORNEY FOR PLAINTIFF
702 DONALDSON AVE 206
SAN ANTONIO, TX 78201-4851



Mary Angie Garcia
Bexar County District Clerk
101 W. Nueva, Suite 217
San Antonio, Texas 78205

By: Cynthia Gonzales, Deputy

MICHELLE DOTSON ET AL
VS
BEXAR COUNTY ET AL

Officer's Return

Case Number: 2018-CI-23979
Court: 408th Judicial District Court

I received this CITATION on _____ at _____ o'clock _____ M. and () executed it by delivering a copy of the CITATION with attached FIRST AMENDED PETITION the date of delivery endorsed on it to the defendant, _____ in person on the _____ at _____ o'clock _____ M. at: _____ or () not executed because _____

Fees: _____ Badge/PPS #: _____ Date certification expires: _____

_____, County, Texas
By: _____

OR: VERIFICATION OF RETURN (If not served by a peace officer) SWORN TO THIS _____

NOTARY PUBLIC, STATE OF TEXAS

OR: My name is _____, my date of birth is _____, and my address is _____, _____ County.

I declare under penalty of perjury that the foregoing is true and correct. Executed in _____ County, State of Texas, on the _____ day of _____, 20____.

Declarant _____

DOCUMENT SCANNED AS FILED

FILE COPY **Exhibit 1**

PRIVATE PROCESS

Case Number: 2018-CI-23979



2018CI23979 500005

MICHELLE DOTSON ET AL

VS.

BEXAR COUNTY ET AL

(Note: Attached Document May Contain Additional Litigants.)

IN THE DISTRICT COURT
408th JUDICIAL DISTRICT
BEXAR COUNTY, TEXAS

CITATION

"THE STATE OF TEXAS"

Directed To: OFFICER MICHAEL KOHLEPPPEL

19 JAN 2019



"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this CITATION and FIRST AMENDED PETITION, a default judgment may be taken against you." Said FIRST AMENDED PETITION was filed on the 15th day of January, 2018.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 17TH DAY OF JANUARY A.D., 2019.

LESLIE J SACHANOWICZ
ATTORNEY FOR PLAINTIFF
702 DONALDSON AVE 206
SAN ANTONIO, TX 78201-4851



Mary Angie Garcia
Bexar County District Clerk
101 W. Nueva, Suite 217
San Antonio, Texas 78205

By: Cynthia Gonzales, Deputy

MICHELLE DOTSON ET AL
VS
BEXAR COUNTY ET AL

Officer's Return

Case Number: 2018-CI-23979
Court: 408th Judicial District Court

I received this CITATION on _____ at _____ o'clock _____ M. and () executed it by delivering a copy of the CITATION with attached FIRST AMENDED PETITION the date of delivery endorsed on it to the defendant, _____ in person on the _____ at _____ o'clock _____ M. at: _____ or () not executed because _____

Fees: _____ Badge/PPS #: _____ Date certification expires: _____

_____ County, Texas

By: _____

OR: VERIFICATION OF RETURN (If not served by a peace officer) SWORN TO THIS _____

NOTARY PUBLIC, STATE OF TEXAS

OR: My name is _____, my date of birth is _____, and my address is _____ County.

I declare under penalty of perjury that the foregoing is true and correct. Executed in _____ County, State of Texas, on the _____ day of _____, 20_____.

Declarant _____

DOCUMENT SCANNED AS FILED

FILE COPY Exhibit J

PRIVATE PROCESS

Case Number: 2018-CI-23979



2018CI23979 500006

MICHELLE DOTSON ET AL

VS.

BEXAR COUNTY ET AL

(Note: Attached Document May Contain Additional Litigants.)

 IN THE DISTRICT COURT
 408th JUDICIAL DISTRICT
 BEXAR COUNTY, TEXAS

CITATION

"THE STATE OF TEXAS"

 Directed To: THE CITY OF SAN ANTONIO BY SERVING ITS
 CITY CLERK LETICIA VACEK


19 JAN 2019

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this CITATION and FIRST AMENDED PETITION, a default judgment may be taken against you." Said FIRST AMENDED PETITION was filed on the 15th day of January, 2019.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 17TH DAY OF JANUARY A.D., 2019.

 LESLIE J SACHANOWICZ
 ATTORNEY FOR PLAINTIFF
 702 DONALDSON AVE 206
 SAN ANTONIO, TX 78201-4851

 Mary Angie Garcia
 Bexar County District Clerk
 101 W. Nueva, Suite 217
 San Antonio, Texas 78205

By: Cynthia Gonzales, Deputy

 MICHELLE DOTSON ET AL
 VS
 BEXAR COUNTY ET AL

Officer's Return

 Case Number: 2018-CI-23979
 Court: 408th Judicial District Court

I received this CITATION on _____ at _____ o'clock _____ M. and () executed it by delivering a copy of the CITATION with attached FIRST AMENDED PETITION the date of delivery endorsed on it to the defendant, _____ in person on the _____ at _____ o'clock _____ M. at _____ or () not executed because _____

Fees: _____ Badge/PPS #: _____ Date certification expires: _____

_____ County, Texas

By: _____

OR: VERIFICATION OF RETURN (If not served by a peace officer) SWORN TO THIS _____

NOTARY PUBLIC, STATE OF TEXAS

OR: My name is _____, my date of birth is _____, and my address is _____ County.

I declare under penalty of perjury that the foregoing is true and correct. Executed in _____ County, State of Texas, on the _____ day of _____, 20____.

Declarant _____

DOCUMENT SCANNED AS FILED

FILE COPY **Exhibit K**

PRIVATE PROCESS

Case Number: 2018-CI-23979



2018CI23979 500887

MICHELLE DOTSON ET AL

VS.

BEXAR COUNTY ET AL

(Note: Attached Document May Contain Additional Litigants.)

IN THE DISTRICT COURT
408th JUDICIAL DISTRICT
BEXAR COUNTY, TEXAS

CITATION

"THE STATE OF TEXAS"

Directed To: MIKE LOZITO BY SERVING LETICIA MORENO



[Signature] 19 JAN 2019

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this CITATION and FIRST AMENDED PETITION, a default judgment may be taken against you." Said FIRST AMENDED PETITION was filed on the 15th day of January, 2019.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 17TH DAY OF JANUARY A.D., 2019.

LESLIE J SACHANOWICZ
ATTORNEY FOR PLAINTIFF
702 DONALDSON AVE 206
SAN ANTONIO, TX 78201-4851



Mary Angie Garcia
Bexar County District Clerk
101 W. Nueva, Suite 217
San Antonio, Texas 78205

By: Cynthia Gonzales, Deputy

MICHELLE DOTSON ET AL
VS
BEXAR COUNTY ET AL

Officer's Return

Case Number: 2018-CI-23979
Court: 408th Judicial District Court

I received this CITATION on _____ at _____ o'clock ____ M. and () executed it by delivering a copy of the CITATION with attached FIRST AMENDED PETITION the date of delivery endorsed on it to the defendant, _____ in person on the _____ at _____ o'clock ____ M. at: _____ or () not executed because _____

Fees: _____ Badge/PPS #: _____ Date certification expires: _____

_____ County, Texas

By: _____

OR: VERIFICATION OF RETURN (If not served by a peace officer) SWORN TO THIS _____

NOTARY PUBLIC, STATE OF TEXAS

OR: My name is _____, my date of birth is _____, and my address is _____ County.

I declare under penalty of perjury that the foregoing is true and correct. Executed in _____ County, State of Texas, on the _____ day of _____, 20____.

Declarant _____

DOCUMENT SCANNED AS FILED

FILE COPY Exhibit L

CAUSE NO. 2018-CI-23979

MICHELLE DOTSON, BRIDGETTE
LOTT AND REGINOLD STEPHENS
INDIVIDUALLY, RONALD DOTSON,
INDIVIDUALLY AND AS
REPRESENTATIVE OF THE ESTATE
OF JANICE DOTSON-STEPHENS,
DECEASED

Plaintiffs

V.

BEXAR COUNTY, BEXAR COUNTY
HOSPITAL DISTRICT d/b/a
UNIVERSITY HEALTH SYSTEM,
BEXAR COUNTY PRE-TRIAL
SERVICES, UNKNOWN, UNNAMED
OFFICERS/EMPLOYEES OF THE
BEXAR COUNTY SHERIFF'S OFFICE,
UNKNOWN, UNNAMED OFFICERS/
EMPLOYEES OF THE BEXAR COUNTY
HOSPITAL DISTRICT d/b/a
UNIVERSITY HEALTH SYSTEM,
UNKNOWN, UNNAMED OFFICERS/
EMPLOYEES OF THE BEXAR COUNTY
PRE-TRIAL SERVICES

Defendants

IN THE DISTRICT COURT

408TH JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

BEXAR COUNTY HOSPITAL DISTRICT d/b/a UNIVERSITY HEALTH SYSTEM'S
PLEA IN ABATEMENT, SPECIAL EXCEPTIONS AND ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES the BEXAR COUNTY HOSPITAL DISTRICT d/b/a UNIVERSITY
HEALTH SYSTEM [hereinafter UHS], one of the Defendants in the above-entitled and
numbered cause and files this its Plea in Abatement, Special Exceptions to Plaintiffs' Original
Petition and, subject thereto, its Original Answer, and shows the Court as follows:

Plea in Abatement

1. UHS is a health care institution as defined by §74.001(11) of the Civil Practice

and Remedies Code and its only involvement in this case was through its employee at Detention Healthcare Services, who provided medical and mental health care to the Decedent while she was incarcerated at the Bexar County Adult Detention Center. Plaintiffs' allegations arise out of the medical and mental health care provided to the Decedent. A health care liability claim is defined by §74.001(13) as "a cause of action against a health care provider or physician for treatment, lack of treatment or other claimed departure from accepted standards of medical care or health care, or safety or professional or administrative services directly related to health care, which proximately results in injury or death of a claimant..." Accordingly, this is a health care liability claim governed by Chapter 74 of the Civil Practice and Remedies Code. UHS would show that Plaintiff has not complied with the requirements of §74.051 and §74.052 of the Civil Practice and Remedies Code in that she failed to provide UHS with written pre-suit notice of her claim prior to filing this lawsuit and she did not serve UHS with a properly completed and executed Authorization Form for Release of Protected Health Information as required by the statute. This cause of action was filed on December 21, 2018 and prior to said filing, UHS was not sent written notice of a claim or an authorization as mandated by statute. Pursuant to §74.052(a), this cause of action should be abated until 60 days following receipt of a fully executed authorization in the format set out by statute.

Special Exceptions

1. UHS specially excepts to Plaintiffs' Original Petition because it seeks to recover pre-judgment interest, but does not limit that recovery to the amount of recovery authorized by the Texas Tort Claims Act.
2. UHS specially excepts to Plaintiffs' Original Petition because it does not state a claim under the Texas Tort Claims Act. Defendant would show that the petition fails to allege a

cause of action for negligence of a UHS employee arising out of a condition or use of tangible property.

3. UHS specially excepts to Plaintiffs' Original Petition because it appears to seek to recover damages under theories of vicarious liability, *respondeat superior* and agency. Defendant would show that the Tort Claims Act does not authorize recovery under such theories. Defendant would further show that the limited waiver of immunity contained in the Tort Claims Act authorizes recovery for the negligence of employees only, and that the term "employee" is specifically defined by the Tort Claims Act.

4. UHS specially excepts to Plaintiffs' Original Petition because it does not provide UHS with fair notice of the claims against it, but merely asserts that "personnel at the jail" owed specific duties to the Decedent but does not identify the "personnel" as UHS employees, or identify any specific conduct or failure to act by a UHS employee, if any, which breached a duty, if any to the Decedent, and it does not explain how the breach of such a duty, if any, proximately caused injury, if any, to the Decedent.

5. UHS specially excepts to Plaintiffs' Original Petition because the specific allegations of negligence against it do not fall within the limited waiver of immunity contained in the Texas Tort Claims Act. Plaintiff has failed to assert a cause of action against UHS for the alleged negligence of an employee arising out of a condition or use of tangible personal property. In the event that allegations against "personnel at the jail" are interpreted to include UHS employees, UHS would show that allegations of "failure to keep safe from physical injury, harm, death, or psychological harm," "failure to screen and evaluate the mental status of persons placed in custody," "encouraging, aiding, abetting, committing or ratifying and/or condoning certain acts or omissions" not state a claim for which immunity is waived.

6. UHS specially excepts to Plaintiffs' Original Petition in that it does not contain factual allegations of any relationship to the Decedent by Michelle Dotson, Bridgette Lott and Reginold Stephens which would authorize them to proceed with these claims and therefore does not establish they have standing to pursue this action.

7. UHS specially excepts to Plaintiffs' Original Petition wherein it seeks to recover damages for "violation of civil rights" which is not a proper element of damages recoverable under Texas law.

8. UHS specially excepts to Plaintiffs' Original Petition because it seeks to recover exemplary or punitive damages and contains allegations of willful or wanton conduct. Section 101.024 of the Tort Claims Act does not authorize recovery of exemplary damages and §101.021 authorizes recovery of damages only for negligence of employees under limited specific circumstances. In addition, as set out in §101.057, the Tort Claims Act does not waive immunity for willful or wanton conduct or intentional torts.

9. UHS specially excepts to Plaintiffs' Original Petition because it does not specifically plead that Plaintiff has complied with the Notice provisions contained in §101.101 of the Tort Claims Act.

10. UHS specially excepts to Plaintiffs' Original Petition because it attempts to recover attorney's fees and such recovery is not authorized by common law, by the wrongful death and survival statutes, or by the Tort Claims Act.

11. UHS specially excepts to Plaintiffs' Original Petition because the allegations contained therein are vague and do not provide this Defendant with fair notice of the claims against it. The Petition does not contain allegations which specify facts to support counts VI, VII, VIII, IX and X. The Petition does not contain allegations which identify the specific acts or

omissions, if any, allegedly committed by a UHS employee nor does it contain allegations to support the element of causation as against UHS.

12. UHS specially excepts to Plaintiffs' Original Petition because it asserts that this cause of action should proceed under Level 2. UHS asserts that this action should proceed under Level 3.

13. UHS specially excepts to Plaintiffs' Original Petition because it asserts a claim for "institutional liability" and such a claim is neither within the limited waiver of immunity contained in the Texas Tort Claims Act, nor an acceptable claim at common law in Texas.

14. UHS specially excepts to Plaintiffs' Original Petition because the Tort Claims Act does not waive immunity for, nor authorize a claim for negligence per se.

Answer

15. UHS enters a general denial pursuant to TEX. R. CIV. P. 92 and demands that Plaintiffs prove each and every element of their claims, if any by a preponderance of the evidence.

16. UHS would show that it is a political subdivision of the State of Texas which owns and operates health care facilities in Bexar County, Texas including Detention Health Care Services. Defendant pleads the doctrine of governmental immunity as a defense to Plaintiffs' cause of action, if any, and invokes all provisions and limitations of monetary liability contained in Chapter 101 of the Texas Civil Practice and Remedies Code (the Texas Tort Claims Act).

17. Answering further, UHS denies that any of the personnel employed by Bexar County, the Bexar County Sheriff's Office or Pretrial Services were or are its agents, servants or employees as those terms are defined by the Texas Tort Claims Act and would show that it is not responsible through any theory of agency, apparent or ostensible agency, agency by estoppel,

vice principal or alter ego or *respondeat superior* for the conduct of any person who is not a UHS employee.

18. UHS denies that it can be held liable for pre-judgment interest in excess of its liability limits set out in the Texas Tort Claims Act.

19. UHS denies that Plaintiffs complied with the Notice provisions contained in the Texas Tort Claims Act and in Chapter 74 of the Civil Practice and Remedies Code, and further denies that a properly completed authorization, as mandated by Chapter 74, has been provided to it.

20. Defendant asserts its right to contribution, indemnity and a determination of the proportionate responsibility of all parties, settling parties and responsible third parties and invokes all provisions of Chapter 33 of the Civil Practice and Remedies Code.

21. Defendant asserts that Janice Dotson-Stephens' injuries and damages, if any, were caused by third parties over whom it did not have the right to control and did not control.

22. Defendant asserts the limitation on damages provided for in §74.301, §74.302, and §41.008 of the Texas Civil Practice and Remedies Code. Defendant further invokes all provisions contained in §41.0105 of the Civil Practice and Remedies Code and asserts that Plaintiffs' recovery of medical or health care expenses, if any, is limited to the amount actually paid or incurred by or on behalf of the Plaintiff.

23. Defendant alleges that, in the unlikely event it is found liable for future damages, as defined in §74.501 of the Civil Practice and Remedies Code, it is entitled to pay such damages, in whole or in part, in periodic payments rather than by a lump sum payment, as set out in §§74.501 to 74.507 of the Civil Practice and Remedies Code.

24. Defendant asserts that Plaintiffs' claims for pre-judgment interest are limited by

the dates and amounts set forth in Chapter 304 of the Texas Finance Code and/or any other applicable statute.

25. UHS denies that it is liable for exemplary or punitive damages as a matter of law and denies that liability can be imposed on it for intentional conduct by its employees, including willful or wanton conduct.

26. UHS denies that any UHS employee was negligent in providing care to the Decedent and further denies that an act or omission by a UHS employee in the course and scope of employment, if any involved the condition or use of real or tangible personal property or the use of a motor vehicle. UHS would show that allegations of "failure to keep safe from physical injury, harm, death, or psychological harm," "failure to screen and evaluate the mental status of persons placed in custody," "encouraging, aiding, abetting, committing or ratifying and/or condoning certain acts or omissions" not state a claim for which immunity is waived.

27. UHS denies that any of the corrections officers or Bexar County Sheriff Office personnel at the Bexar County Adult Detention Center or employees of Pretrial Services were or are its agents, servants or employees as those terms are defined by the Texas Tort Claims Act and would show that it is not responsible through any theory of agency, apparent or ostensible agency, agency by estoppel, vice principal or alter ego or *respondeat superior* for the conduct of corrections officers at the Bexar County Adult Detention Center or Pretrial Services employees.

28. UHS denies that Plaintiffs are entitled to recover attorney's fees for their negligence, wrongful death and survival claims.

29. UHS denies that liability can be imposed on it for "negligence per se" and denies application of any theory of "institutional liability."

30. UHS would show that, because of the nature of this cause of action and the need

for expert witnesses, this case should proceed under Level 3 and that a Scheduling Order should be entered to provide for the orderly disposition of this case.

WHEREFORE, PREMISES CONSIDERED, Bexar County Hospital District d/b/a University Health System requests that its Plea in Abatement be granted; that this cause of action be abated for a period of time to expire 60 days after receipt of a properly executed authorization; that its Special Exceptions be sustained in all respects, that Plaintiffs be required to file amended pleadings to meet the special exceptions; that Plaintiffs take nothing by reason of her action; that Defendant recover its costs; and that it be granted any and all other relief to which it may be entitled.

Respectfully submitted,



LAURA A. CAVARETTA
State Bar No. 04022820

CAVARETTA, KATONA & LEIGHNER PLLC
One Riverwalk Place
700 N. St. Mary's Street, Suite 1500
San Antonio, Texas 78205
Telephone: (210) 588-2901
Facsimile: (210) 588-2908
cavarettal@ckl-lawyers.com

ATTORNEY FOR DEFENDANT,
BEXAR COUNTY HOSPITAL DISTRICT d/b/a
UNIVERSITY HEALTH SYSTEM

VERIFICATION

STATE OF TEXAS

§

COUNTY OF BEXAR

§

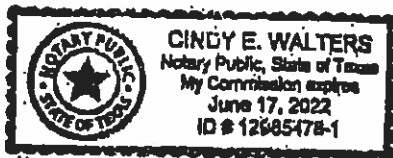
§

BEFORE ME, the undersigned authority, on this day personally appeared Jeffrey Jowers, attorney in the Legal Services Department at the Bexar County Hospital District d/b/a University Health System, who having been by me first duly sworn, on oath, deposed and said that he has

read the foregoing Defendant's Pleas in Abatement, Special Exceptions and Original Answer and that the denials contained in paragraphs 16, 17, 19 and 27 of Defendant's Original Answer are true and correct.


JEFFREY JOWERS

SUBSCRIBED AND SWORN TO BEFORE ME, on this 24th day of January, 2019.




NOTARY PUBLIC, State of Texas

CERTIFICATE OF SERVICE

This is to certify that a correct copy of the above and foregoing has this the 24th day of January, 2019 been forwarded to:

Leslie Sachanowicz
Mary Pietrazek
702 Donaldson Avenue, Suite 206
San Antonio, Texas 78201
les.law@hotmail.com
pzklaw@gmail.com
Attorneys for Plaintiff

VIA ELECTRONIC FILING SERVICES


LAURA A. CAVARETTA

CAUSE NO. 2018-CI-23979

**MICHELLE DOTSON, BRIGITTE
LOTT AND REGINOLD STEPHENS
INDIVIDUALLY, RONALD DOTSON,
INDIVIDUALLY AND AS
REPRESENTATIVE OF THE ESTATE
OF JANICE DOTSON-STEPHENS,
DECEASED**

Plaintiffs

v.

**BEXAR COUNTY, BEXAR COUNTY
HOSPITAL DISTRICT DBA
UNIVERSITY HEALTH SYSTEM,
BEXAR COUNTY PRE-TRIAL
SERVICES, UNKNOWN, UNNAMED
OFFICERS/EMPLOYEES OF THE
BEXAR COUNTY SHERIFF'S OFFICE,
UNKNOWN, UNNAMED OFFICERS/
EMPLOYEES OF THE BEXAR
COUNTY HOSPITAL DISTRICT DBA
UNIVERSITY HEALTH SYSTEM,
UNKNOWN, UNNAMED OFFICERS/
EMPLOYEES OF THE BEXAR
COUNTY PRE-TRIAL SERVICES**

Defendants

IN THE DISTRICT COURT

408TH JUDICIAL DISTRICT

OF BEXAR COUNTY, TEXAS

DEFENDANT BEXAR COUNTY'S ORIGINAL ANSWER

Bexar County, named as a defendant in the above-styled and numbered cause, files this, its Original Answer.

1. Pursuant to Rule 92 of the Texas Rules of Civil Procedure, Defendant generally denies the allegations in Plaintiffs' current petition.
2. There is no jurisdiction over the subject matter in the above styled and numbered cause as set forth in Plaintiffs' original petition, in whole or in part.
3. Plaintiffs' alleged causes of action are barred, in whole or in part, by §101.001 et. seq. of the Texas Civil Practice and Remedies Code ("Texas Tort Claims Act"). Defendant invokes the

doctrine of governmental and sovereign immunity as a defense to Plaintiffs' claims. Defendant is immune from liability and for the payment of damages pursuant to any theory of liability under state law requested by Plaintiffs in this cause of action.

4. Defendant asserts qualified immunity from all claims.

5. Defendant asserts that the decedent's injuries and damages were caused by third parties over whom Bexar County had no right of control and did not control.

PRAYER

Defendant requests that Plaintiffs take nothing, and such other relief to which Defendant is justly entitled at law or in equity.

Respectfully submitted,

JOE D. GONZALES
Bexar County Criminal District Attorney

By: /s/ Robert W. Piatt III
ROBERT W. PIATT III
SBN: 24041692
Assistant District Attorney
101 W. Nueva – Civil Division
San Antonio, Texas 78205
(210) 335-0785 – Telephone
(210) 335-2773 – Fax
robert.piatt@bexar.org

CERTIFICATE OF SERVICE

I do hereby certify on the 28th day of January, 2019, I electronically filed the foregoing Original Answer of Bexar County with the electronic filing system, which will serve the following:

Leslie Sachanowicz
Mary Pietrazek
702 Donaldson Avenue, Suite 206
San Antonio, Texas 78210
(210) 951-9795
Fax: (210) 855-2046
Attorneys for Plaintiffs

/s/ Robert Piatt
Robert W. Piatt III

4. Plaintiffs' alleged causes of action are barred, in whole or in part, by §101.001 et. seq. of the Texas Civil Practice and Remedies Code ("Texas Tort Claims Act"). Defendant invokes the doctrine of governmental and sovereign immunity as a defense to Plaintiffs' claims. Defendant is immune from liability and for the payment of damages pursuant to any theory of liability under state law requested by Plaintiffs in this cause of action.

5. Defendant asserts qualified immunity from all claims.

6. Defendant asserts that the decedent's injuries and damages were caused by third parties over whom Bexar County had no right of control and did not control.

PRAYER

Defendant requests that Plaintiffs take nothing, and such other relief to which Defendant is justly entitled at law or in equity.

Respectfully submitted,

JOE D. GONZALES
Bexar County Criminal District Attorney

By: /s/ Robert W. Piatt III
ROBERT W. PIATT III
SBN: 24041692
Assistant District Attorney
101 W. Nueva – Civil Division
San Antonio, Texas 78205
(210) 335-0785 – Telephone
(210) 335-2773 – Fax
robert.piatt@bexar.org

CERTIFICATE OF SERVICE

I do hereby certify on the 28th day of January, 2019, I electronically filed the foregoing Original Answer of Bexar County Pretrial Services with the electronic filing system, which will serve the following:

Leslie Sachanowicz
Mary Pietrazek
702 Donaldson Avenue, Suite 206
San Antonio, Texas 78210
(210) 951-9795
Fax: (210) 855-2046
Attorneys for Plaintiffs

/s/ Robert Piatt
Robert W. Piatt III

1/29/2019 1:10 PM
Mary Angle Garcia
Bexar County District Clerk
Accepted By: Mary Becerra-Cruz

NO. 2018CI23979

**MICHELLE DOTSON, BRIDGETTE
LOTT AND REGINOLD STEPHENS
INDIVIDUALLY, RONALD DOTSON,
INDIVIDUALLY AND AS
REPRESENTATIVE OF THE
ESTATE OF JANICE DOTSON-
STEPHENS, DECEASED,**

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§
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§

**IN THE DISTRICT COURT
408 JUDICIAL DISTRICT
OF BEXAR COUNTY, TEXAS**

Plaintiffs,

§
§

V.

§
§

**BEXAR COUNTY, BEXAR COUNTY
HOSPITAL DISTRICT DBA
UNIVERSITY HEALTH SYSTEM,
BEXAR COUNTY PRE-TRIAL
SERVICES, UNKNOWN, UNNAMED
OFFICERS/EMPLOYEES OF THE
BEXAR COUNTY SHERIFF'S
OFFICE, UNKNOWN, UNNAMED
OFFICERS/ EMPLOYEES OF THE
BEXAR COUNTY HOSPITAL
DISTRICT DBA UNIVERSITY
HEALTH SYSTEM, UNKNOWN,
UNNAMED OFFICERS/
EMPLOYEES OF THE BEXAR
COUNTY PRE-TRIAL SERVICES
SHERIFF JAVIER SALAZAR,
OFFICIALLY AND INDIVIDUALLY,
BEXAR COUNTY PRETRIAL
SERVICES DIRECTOR MIKE
LOZITO OFFICIALLY AND
INDIVIDUALLY, SAPD OFFICER
MICHAEL KOHLLEPPEL
OFFICIALLY AND INDIVIDUALLY,**

§
§
§

Defendants.

§

MOTION FOR DEFAULT JUDGMENT

NOW COMES, MICHELLE DOTSON, BRIDGETTE LOTT AND REGINOLD STEPHENS INDIVIDUALLY, RONALD DOTSON, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF JANICE DOTSON-STEPHENS, DECEASED,

hereinafter Plaintiff, and files this Motion for Default Judgment, and in support hereof, shows the court the following:

I.

Plaintiff filed suit against Defendant, Bexar County, Bexar pre-trial services on December 21, 2018 seeking damages for

- Bexar County - 42 U.S.C. § 1983
- Bexar County - Vicarious Liability for unknown employees Willful and Wanton Conduct - Survival
- Bexar County - Vicarious Liability for unknown employees Willful and Wanton Conduct - Wrongful Death
- Bexar County - Institutional Liability - Survival
- Bexar County - Institutional Liability - Wrongful Death
- Bexar County Pre-Trial Services - 42 U.S.C. § 1983
- Bexar County Pre-Trial Services - Vicarious Liability for unknown employees Willful and Wanton Conduct - Survival
- Bexar County Pre-Trial Services - Vicarious Liability for unknown employees Willful and Wanton Conduct - Wrongful Death
- Bexar County Pre-Trial Services - Institutional Liability - Survival
- Bexar County Pre-Trial Services - Institutional Liability - Wrongful Death

II.

Defendant, Bexar County and Bexar County pre-trial services, was served with citation on January 7, 2019. Defendant Bexar County and Bexar County pre-trial services, has failed to appear or file an answer within the time allowed by law and has wholly made default. The citation with proof of service of Defendant has been on file with the clerk of the court ten days, exclusive of the day of filing and the day of judgment.

III.

The following documents are attached to this Motion:

1. Certificate of Last Known Mailing Address

WHEREFORE, premises considered, Plaintiff prays that the Court enter judgment against Defendant, bexar county and bexar county pre-trial services; that Plaintiff recovers costs expended in filing this suit; that Plaintiff recovers prejudgment and postjudgment interest; that Plaintiff recovers attorney's fees and that Plaintiff has such other and further relief at law or in equity to which Plaintiff may be justly entitled.

Respectfully submitted,

By: //s//Leslie Sachanowicz
Leslie Sachanowicz
Texas Bar No. 17503200
Email: les.law@hotmail.com
702 Donaldson Avenue, Suite 106
San Antonio, Texas 78201
Tel. (210) 883-8565
Fax. (210) 855-2045
Attorney for Plaintiffs

VS
BEXAR COUNTY ET AL

County, Texas

1. My name is: MARY PIETRZAK

3. The Respondent's name is: BOYAR COUNTY PRE TRIAL SERVICES
First Middle Last

207 NORTH COMAL #200 SAN ANTONIO TX 78207

Alan P. Peterson
Your Signature

29 JAN 2019

Your Signature

Date _____

MARY PIETRZAK

(210) 951-9795

Your Printed Name

Phone

702 DONALDSON AVE STE 206

SAN ANTONIO TX 78201

Your Mailing Address

City

Email Address: PZK LAW@GMAIL.COM

(210) State Zip 855-204

Email Address: PZK LAW@GMAIL.COM Fax # (if available)

Case No:

2018 CI 23979

(Print court information exactly as it appears on your Petition)

MICHELLE DOTSON ET AL

In the (check one):

VS

☒ District ☐ County ☐ Justice Court of:

BEXAR COUNTY ET AL

County, Texas

Certificate of Last Known Mailing Address1. My name is: MARY PIENKATZ
First Middle Last2. I am the Petitioner in this case.
ATTORNEY FOR3. The Respondent's name is: BEXAR COUNTY
First Middle Last

4. I certify that the last known mailing address I have for the Respondent is:

101 W. NUEVA, 10TH FLOOR SAN ANTONIO 78205
Address City State Zip

Respectfully submitted,

Your Signature

MARY PIENKATZ

Date

29 JAN 2019

Your Printed Name

102 DONALDSON AVE STE 206

Phone

210, 951-9795

Your Mailing Address

Email Address: PZKLAW@GMAIL.COM

City

SAN ANTONIO TX

State

Zip

Fax # (if available)

210 855 2045



COUNTY CLERK & DISTRICT CLERK
COURT RECORDS SEARCH

Case #2018CI23979

Name: MICHELLE DOTSON

Date Filed: 12/21/2018

Case Status: PENDING

Litigant Type: PLAINTIFF

Court: 408

Docket Type: OTHER INJURY OR DAMAGE

Business Name:

Style: MICHELLE DOTSON ET AL

Style (2): vs BEXAR COUNTY ET AL

Case History

Currently viewing 1 through 19 of 00019 records

Sequence	Date Filed	Description
P00012	1/29/2019	MOTION FOR DEFAULT JUDGMENT
P00011	1/29/2019	ORIGINAL ANSWER OF BEXAR COUNTY PRETRIAL SERVICES
P00010	1/29/2019	ORIGINAL ANSWER OF BEXAR COUNTY
P00009	1/24/2019	ORIGINAL ANSWER OF BEXAR COUNTY HOSPITAL DISTRICT DBA UNIV RSITY HEALTH SYSTEM, PLEA IN ABATEMENT A ND SPECIAL EXCEPTIONS
S00007	1/17/2019	CITATION MIKE LOZITO ISSUED: 1/17/2019 RECEIVED: 1/25/2019 EXECUTED: 1/25/2019 RETURNED: 1/28/2019
S00006	1/17/2019	CITATION THE CITY OF SAN ANTONIO ISSUED: 1/17/2019 RECEIVED: 1/21/2019 EXECUTED: 1/22/2019 RETURNED: 1/28/2019
S00005	1/17/2019	CITATION OFFICER MICHAEL KOHLEPPPEL ISSUED: 1/17/2019
S00004	1/17/2019	CITATION SHERIFF JAVIER SALAZAR ISSUED: 1/17/2019 RECEIVED: 1/21/2019 EXECUTED: 1/22/2019 RETURNED: 1/28/2019
P00008	1/17/2019	REQUEST FOR SERVICE AND PROCESS
P00007	1/17/2019	SERVICE ASSIGNED TO CLERK 3
P00006	1/15/2019	FIRST AMENDED PETITION
S00003	12/26/2018	CITATION BEXAR COUNTY PRE-TRIAL SERVICES ISSUED: 12/26/2018 RECEIVED: 1/7/2019 EXECUTED: 1/7/2019 RETURNED: 1/8/2019
S00002	12/26/2018	CITATION BEXAR COUNTY HOSPITAL DISTRICT ISSUED: 12/26/2018 RECEIVED: 1/7/2019 EXECUTED: 1/7/2019 RETURNED: 1/8/2019
S00001	12/26/2018	CITATION BEXAR COUNTY ISSUED: 12/26/2018 RECEIVED: 1/7/2019 EXECUTED: 1/7/2019 RETURNED: 1/8/2019
P00005	12/26/2018	REQUEST FOR SERVICE AND PROCESS

Sequence	Date Filed	Description
P00004	12/26/2018	SERVICE ASSIGNED TO CLERK 2
P00003	12/21/2018	CIVIL CASE INFORMATION SHEET
P00002	12/21/2018	AFFD OF INABILITY TO PAY COSTS
P00001	12/21/2018	PETITION